

#6/Election/
Amtd A
J. H. H. H.
9-26-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: YANDELL

Serial No.: 09/619,049

Filed: July 18, 2000

For: ISOLATED DROSOPHILA PROTEINS
ESSENTIAL FOR SURVIVAL, NUCLEIC
ACID MOLECULES ENCODING ESSENTIAL
DROSOPHILA PROTEINS, AND USES
THEREOF AS INSECTICIDAL TARGETS

Art Unit: 1656

Examiner: S. Chunduru

Atty. Docket: CL000735

PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

By Facsimile

Sir:

This is in response to an Office communication mailed September 10, 2001 in which a restriction requirement was issued for the above referenced application.

Election of Claims

By way of response, Applicants hereby elect claim group III, claims 4-9, directed to nucleic acid molecules, vectors, and host cells, for examination and have canceled claims corresponding to the non-elected groups I-II and IV-V.

However, applicants respectfully request that the Examiner reconsider the claim division and include claim 15 in the elected group. Specifically, the point of novelty of claim 15 is the nucleic acid molecules of the claim from which it depends, claim 4. The dependent claim 15 provides a specific use (method of detecting a nucleic acid of claim 4) of the subject matter and it is believed that examination of this claim would not unduly burden the Examiner with additional review issues.

FACSIMILE MESSAGE - PLEASE DELIVER PROMPTLY

September 19, 2001

TO: Examiner Suryaprabha Chunduru
Group 1656
(703) 305-1004

FROM Justin D. Karjala
Celera Genomics Corp.
(240) 453-3812

FAX NO: (703) 308-0294

OF PAGES (incl. cover): 8

Re: U.S. Serial No. 09/619,049, filed July 18, 2000
Entitled "ISOLATED DROSOPHILA PROTEINS ESSENTIAL FOR
SURVIVAL, NUCLEIC ACID MOLECULES ENCODING ESSENTIAL
DROSOPHILA PROTEINS, AND USES THEREOF AS INSECTICIDAL
TARGETS"

A Preliminary Amendment (Restriction Election) in the above-identified application follows. No fee is due for this filing.

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